



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,732	02/27/2001	Wilhelmus Gerardus Petrus Mooij	2069.001US1	9900
21186 7590 07/10/2007 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER COLIN, CARL G	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 07/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	09/763,732	MOOIJ ET AL.	
	Examiner	Art Unit	
	Carl Colin	2136	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-15.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER


11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation of section 3.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 3. NOTE: Applicant has amended the independent claims to more particularly recite how the communication interface is established. The claims now recite establishing a communication interface "using said information on the appropriate protocol". Applicant adds that the claims should be entered because the amendments presented the claims in a better form for appeal. Applicant is reminded that by changing the scope of the claims, the claims raise new issues that would require further consideration and/or search. Therefore, the proposed amendments will not be entered as they raise new issues that would require further consideration. Regarding the art rejection Applicant argues, see page 10, "In an attempt to supply this subject matter, the Final Office Action states that Graunke et al. discloses providing a key module as an interface or applet (plug-in) that provides protocol information to the executable of a trusted player.2 Applicant respectfully disagrees that any key module included in Graunke et al. provides or relates to providing protocol information." This is different from what is cited in the office action as reproduced herein: "Graunke et al discloses providing a key module as an interface or applet (plug-in) that meets the recitation of protocol information to the executable of trusted player (see column 7, lines 40-45)"

It appears that Applicant has misinterpreted Examiner's position in the last Final Office Action. The office action clearly states "The key module (applet or plug-in or interface) of Graunke et al meets the recitation of protocol information." The office action section 2 further explains the key module (protocol information) is for communication between the trusted player (content player) and the storage medium (secure device) for accessing encrypted content in the storage medium, (see column 8, line 60 through column 9, line 2), the key module is arranged to transform encrypted symmetric keys (secure device data) into decrypted keys required to decrypt the encrypted data (see column 8, line 60 through column 9, line 2). Therefore, as explained above, Graunke et al discloses providing protocol information for communication between the content player and a secure device (for instance, column 4, lines 35-37 states, "the data on the storage medium (secure device) is accessed by a program such as storage device reader (player) via key module (interface)). Applicant generally alleges that since there is no teaching in Graunke et al of providing information on a protocol for communication between the content player and a secure device, there is also no teaching in Graunke et al of attribute data comprises information to find in the protected content structure information on an appropriate protocol for establishing a communication interface between the content player and the secure device. Examiner respectfully disagrees. As shown above, Graunke et al discloses key module (interface) that allows the player to play encrypted content in the storage medium. As cited in the office action information is provided for checking the authenticity of the key module (i.e. ensuring it is an appropriate protocol) for establishing a communication interface between the content player and the secure device (see column 13, lines 47 through column 14, line 11 and column 9, line 55 through column 10, line 29). In addition, column 8, lines 10-31 shows an example of how the key module is built as to make it appropriate for the player and capable of verifying the player so that the player can be trusted to play the encrypted contents in the storage device.

Examiner cannot find where in the office action "to work with" is interpreted as "protocol information". Examiner clearly states The key module (applet or plug-in or interface) of Graunke et al meets the recitation of protocol information, and the rejection clearly shows protocol as key module. As shown above, the request for reconsideration has been considered but does not place the application in condition for allowance.

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100


7,15,07